

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jan E. Schnitzer
Application No.: 10/056,230
Filed: January 24, 2002
Confirmation No.: 6912
For: TARGETING ENDOTHELIUM FOR TISSUE-SPECIFIC DELIVERY
OF AGENTS

Group Art Unit: 1642
Examiner: Ungar, S.

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| CERTIFICATE OF MAILING | |
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| on <u>5/27/03</u> | <u>Christina McSweeney</u> |
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| Typed or printed name of person signing certificate | |

RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's elected group is set forth below. Applicant's Attorney notes that it was not possible to determine precisely which group number refers to this group, not only because of the multitude of divisions set forth in the Restriction Requirement, but also because of an error relating to the numbers of one of the subsets of characteristics (the tissues), as set forth in the Restriction Requirement.

An extension of time to respond to the Restriction Requirement is respectfully requested. A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

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Applicant elects the following group, with traverse:

the group within groups 25-304 as set forth by the Examiner, which is drawn to a method of delivering an agent of interest across a luminal surface of vascular endothelium and from one side of an underlying cell to another side, in a tissue-specific manner, wherein the agent binds to caveolae, wherein the agent of interest comprises an active agent component and a transport agent component wherein the two components are not the same component, wherein the active agent component is a drug; the transport component is an antibody; and the tissue is pulmonary (e.g., lung).

Applicant's attorney notes that the restriction pertaining to these groups (25-304) was unclear, in that it stated that the tissue is one of the "seven tissues claimed in claim 8". It is noted that claim 8 pertains to the active agent components, of which there are five. It is assumed for the purposes of this restriction requirement that the Examiner intended to specify that the tissue should be selected from the eight tissues set forth in Claim 14, namely, vascular, pulmonary, cardiac, cerebral, nephric, hepatic, endocrinous and intestinal tissue. It is noted that the calculation of the group numbers will change because it was previously assumed that there were seven tissues, when in fact there are eight named in Claim 14.

Applicants' Attorney notes that the Examiner has indicated that there is a linking claim. Thus, examination of the elected claims, including the linking claim, will proceed pursuant to the policy of the U.S. PTO described in the Chapter 800 of the Manual of Patent Examination Procedures (MPEP) (e.g., 809; 809.02).

Applicants' Attorney respectfully traverses this restriction requirement. The traversal is discussed in further detail following the amendments to the claims.

Please amend the application as follows:

In the Claims